

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MACY'S CORPORATE)
SERVICES, INC.,)
)
Plaintiff,)
)
v.) Case No. 4:16 CV 1045 RWS
)
MXD GROUP, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

A hearing was held in this matter on September 27, 2016, to discuss Defendant MXD Group, Inc.'s motion to dismiss for lack of personal jurisdiction, or, alternatively, to transfer venue [Doc. 9] and Plaintiff Macy's Corporate Services, Inc.'s motion for a stay of determination of Defendant's motion to allow Plaintiff to conduct jurisdictional discovery [Doc. 10]. As discussed at the hearing, while I will grant Plaintiff 90 days to conduct jurisdictional discovery before responding to Defendant's motion to dismiss for lack of personal jurisdiction, as discovery on personal jurisdiction proceeds, we will also move ahead with briefing the issue of whether I should transfer this case to the United States District Court for the Southern District of New York based on the forum selection provision in the parties' Transfer and

Delivery Agreement.

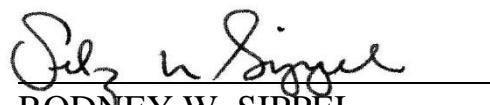
At the hearing, Defendant requested 20 days in which to file a brief on transfer under the forum selection provision, but given that Defendant's motion to dismiss already addresses this request, Defendant need not file another brief on this issue. Rather, I will amend the deadlines set in today's hearing and order Plaintiff to file a response only on the issue of whether the case should be transferred to New York per the forum selection provision in the Agreement no later than October 7, 2017. While I will not stay determination of whether the case should be transferred per the forum selection provision, Plaintiff may have 90 days to conduct jurisdictional discovery before it must respond to Defendant's motion to dismiss on the issues of personal jurisdiction and transfer to Ohio per forum non conveniens.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion to Stay Determination of Defendant's Motion to Dismiss to Allow Plaintiff to Conduct Jurisdictional Discovery #[10] is **GRANTED** in part and **DENIED** in part. The request for a stay is denied. The request for 90 days to conduct jurisdictional discovery before Plaintiff must respond to Defendant's motion to dismiss for lack of personal jurisdiction or transfer per forum non conveniens

is granted.

IT IS FURTHER ORDERED that the deadlines set in the September 27, 2016 hearing are amended as follows: Plaintiff shall file a response to Defendant's motion for transfer of this case to the United States District Court for the Southern District of New York based on the forum selection provision in the parties' Agreement no later than October 7, 2016. Any reply on this issue may be filed no later than October 17, 2016.


RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 27th day of September, 2016.